

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL DENTON,

Plaintiff,

v.

KARIE RAINER, et al.,

Defendants.

CASE NO. C19-5743 BHS

ORDER

This matter comes before the Court following a two-day hearing on Plaintiff Michael Denton's Motion for Preliminary Injunction, Dkt. 163. The Court reiterates its ruling on the record below, but where this Order may be regarded as inconsistent with the oral ruling, the provisions of this Order shall control.

The Court reserves ruling on Denton's motion. The parties are ORDERED to file a Joint Status Report on or before Friday, March 3, 2023, detailing the Department of Corrections' detailed and sufficiently individualized plan to transfer Denton out of the Intensive Management Unit, including the following elements:

- A plan to provide an updated mental health examination, by an independent examiner, assessing Denton's mental health conditions, the

1 effects of solitary confinement on his mental health, and his potential
2 dangerousness when outside of solitary confinement. The parties shall
3 agree on an examiner. If the parties cannot agree, they must each submit a
4 recommended examiner, including that individual's curriculum vitae and
5 an explanation why that individual is recommended.

- 6 • Details regarding Denton's potential placement and the time frame for his
7 transfer.
- 8 • The Court is not intending that DOC be prevented from the use of solitary
9 confinement. However, DOC should consider using solitary confinement
10 for only serious infractions where Denton causes actual harm to himself,
11 staff, or other inmates.

12 The joint status report should also detail DOC's progress in developing and
13 implementing the plan and conducting the independent examination.

14 After the parties file the joint status report, as soon as is practical, the Court will
15 set a hearing to determine what post-hearing briefing, if any, will be required. Denton's
16 motion, Dkt. 163, is RENOTED to the Court's March 3, 2023 calendar.

17 IT IS SO ORDERED.

18 Dated this 10th day of February, 2023.

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21 BENJAMIN H. SETTLE
22 United States District Judge